

September 25, 2007

MINUTES OF THE CITY COUNCIL MEETING HELD SEPTEMBER 25, 2007

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, September 25, 2007, at 5:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT:

Steven R. Taylor, Mayor
Brenda S. Pelham, Vice Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
E. Randy Sealey, Councilor
N. Gregory Cuffey, Councilor

Edwin C. Daley, City Manager
Edwin N. Wilmot, City Attorney
Ann M. Romano, City Clerk

Mayor Taylor opened the meeting at 5:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey	-	ABSENT (arrived at 5:37 PM)
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	ABSENT (arrived at 5:32 PM)
Councilor Cuffey	-	ABSENT (arrived at 5:35 PM)

WORK SESSION

Mayor Taylor asked Assistant City Manager Altman to introduce the Work Session. Mr. Altman introduced the Work Session which contains both an Open Session and a Closed Session. The Open Session discussion addressed: (1) The Mallonee Project; and (2) The Bluffs (Nusbaum). The Closed Session addressed Legal Matters and Acquisition/Disposition of Property (ITAC Suit, Exeter Property, and, the Demet Property).

1. **Mallonee** - On May 11, 2007, the City Administration conducted interviews with the three (3) firms that submitted unsolicited proposals for the adaptive reuse of the Mallonee School Building to market rate apartments. The three (3) firms are:
 - Garcia Development,
 - S & S Construction, and
 - Spotts & Carneal

Kaufman & Canoles, on behalf of the City Administration, conducted due diligence reviews of the firms, to include site visits of current or completed projects prior to inviting the firms to participate in the interview process. As a result of the due diligence effort it was determined that all three (3) firms should advance to the interview stage.

Interviews were conducted on Thursday, May 31, 2007 at the Appomattox Regional Library. During the interviews, a question was raised concerning the viability of converting the auditorium space into apartments. As a result, the City Administration contacted the Virginia Department of Historic Resources (DHR) to arrange a tour of the building and request a determination on this issue.

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On June 19, 2007, Mr. Doug Smith of Kaufman & Canoles, and Mr. Altman, met with representatives of DHR to tour the Mallonee building. On July 19, 2007, the City Administration received the letter of determination from DHR. The letter stated, *"In the case of the Mallonee School, as no other primary assembly space exists within the building other than the auditorium, it is important to retain this feature in toto, including the proscenium arch, stage, seating and balcony."*

The letter was forwarded to the three (3) firms along with a request to clarify the following items in their proposals:

- A. Specific information regarding the fixtures, furnishings, and equipment (FF&E);
- B. Provide final and best proforma; and,
- C. Provide an explanation of the relationship between the project and Merner Field, to include roof top use and parking.

The firms were required to respond to the three (3) above items by Thursday, August 2, 2007. The City Administration and Kaufman & Canoles received the responses and met to discuss the final proposals. During this meeting it was agreed that the proposal submitted by Spotts & Carneal did not adequately address the three (3) items requested in the follow-up letter to each of the firms, and as a result Spotts & Carneal was eliminated from the process. A comparative analysis of the proposals submitted by the top two (2) firms - Garcia Development and S & S Construction was provided.

While both the S & S and Garcia proposals were worthy of strong consideration, the City Administration recommended that City Council authorize the City Administration to negotiate a development agreement with Garcia Development. The Garcia team was equal or better than S & S in most, if not all, of the criteria for selection and they brought elements that distinguished their proposal including the following:

- All of the proposed units are 2 bedroom/2 bath;
- The proposed rents are above market (\$800-\$1300/mo);
- The proposal provides a much needed community asset: an on-site daycare facility;
- The proposal addressed the important issue of a Press Box on roof for use by High School Football Coaches; and
- The proposal addressed a critical unmet community need by providing a field house (shell building) at Merner Field.

DISCUSSION: The project will meet the standards of the Secretary of the Interior. S & S would have allowed the coaches to use the roof top with a railing; Garcia would have enclosed a press box. There was some Council concern regarding a decision made three or four months ago that Council wanted to hear from different developers. Mr. Altman indicated that administration sent out the last set of final and best questions, but the last of three developers did not respond within the deadline. Of course, Council certainly could interview both of these companies. After the Mayor polled Council, the results were 4/3 in favor of Garcia. There was interest in pictures and in the grounds. According to DHR, the Oak trees and driveway will be preserved, as will the road on the left hand side. At least one elevator will be installed in the building, and HVAC, not window units. The daycare center will be in the bottom of the building in the old shop area behind the cafeteria. Administration will sit down with Garcia and fashion a Development Agreement. Kaufman & Canoles will be involved with a Transfer Clause which will be reviewed with Council, based around a Pre-Development Agreement (i.e., Marina). There is a small parking lot where School Board employees park. The School Board does not own it and will have to give it up. The Kaufman & Canoles contract was for six months and is due to expire at the end of this month.

2. The Bluffs - Nusbaum (Bluffs & Marina) Mr. Altman introduced Tom Johnston and Steve Trouper of S. L. Nusbaum. Mr. Trouper reported that RCL did the market study which revealed that there will be personnel increases at Ft. Lee, and they will need more housing. The study indicated a need for

high amenity rentals, approximately 196 units, in the Weston Manor area (The Bluffs site) in the first phase. New high amenity products would do very well in Hopewell. They are interested in developing in the area. S. L. Nusbaum has been in the business for over 100 years (a handout was provided to Council). He did not exclude condominiums and townhouses. For-sale products in that location would do very well.

The City Manager:

- 1) Recognizes that Mr. Altman will be the landlord of The Bluffs for a while. It could be for a significant length of time. The original idea was to move it quickly, but it may not happen.
- 2) Has been looking at BRAC. According to reports from the Army, much of that rental housing will be built on Post. They want to keep them on Post.

Mr. Johnston referred to the Market Study. It was clear that Hopewell needed a success story prior to attracting single-family home developers to Phase II of a multiple phase project. How will Chesterfield and Henrico compete? It is difficult to project within a few months. Hopewell will get more attention if there is a high quality existing market. Hopewell needs to prove to the development community that people want to live in Hopewell at that location.

DISCUSSION: Mr. Altman reported that we are beyond the 90 days, but we are still working in good faith on the Bluffs and the marina for a presentation. Mr. Johnston indicated that all the different products are being looked at, not just single-family. Single-family yields the highest investment.

James E. Mallonee School Historic Rehabilitation & Adaptive Reuse Proposals – Comparative Analysis

Development Team	S&S Construction	Garcia Development
Other Team Members	SWA Architects, P.C. Kimberly M. Chen	MEB ABATECO Services Commonwealth Architects Commonwealth Preservation Group
Proposed Rehabilitation Unit Mix	Market Rate Apartments 53 units (31 1BR, 22 2BR)	Market Rate Apartments 35-40 units – 2 bedrooms/2 baths; Daycare Center; Skybox for Football Coaches on Roof; and Field house at Merner Field
Rent Range	\$800/mo. (1BR Units) \$1200/mo. (2BR Units)	\$800 – \$1,300/ mo. (2BR Units) \$2,992/mo. (Daycare Center)
Community Space	n/a	Auditorium Open for Public Use
Timeline	15-20 months	18 months
Proposed Purchase Price	\$600,000.00	\$100.00, plus the construction of the field house building

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WORK SESSION - CLOSED SESSION

At 6:07 PM **motion** was made by Councilor Harris, and seconded by Councilor Emerson, to Convene into Closed Session to discuss Legal Matters and Acquisition/Disposition of Property (Exeter Property and Demet Property), Legal Matters (Demet Property and Exeter/HDC) and Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A) (1) (3) & (7). Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

REGULAR MEETING

Mayor Taylor opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey		present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

CONSENT AGENDA

Motion was made by Councilor Sealey, and seconded by Councilor Emerson, to approve the Consent Agenda: Council Meeting minutes September 11, 2007; Pending List; Information for Council Review: [School Board agenda 9/13/07, minutes 8/9/07, 9/6/07; HRHA mtg cancellation 9/10/07, rescheduled 10/8/07; BZA minutes 1/17/07 & 5/16/07; 2007 Statement of Assessed Values for Local Tax Purposes for Railroads and Interstate Pipeline Transmission Companies; HRWTF Plant Activities Report 9/14/07; HCIP agenda 9/18/07; Hopewell Twinning Assn. minutes 8/20/07 & 9/17/07]; Personnel Change Report; Financial Report: *None*; Public Hearings Announcements: *None*; Routine Approval of Work Sessions: *None*; Ordinances on second and final reading: *None*; Proclamations/Resolutions/Presentations: *None*. Upon the roll call, the vote resulted:

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Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

COMMUNICATIONS FROM CITIZENS

Walter R. Rhodes, Sr., 708 E. Poythress St., Hopewell, has lived in Hopewell for 43 years. He addressed Council about the alley behind his residence at 708 E. Poythress St. Another resident has blocked the alley with a dumpster for the past nine months. Mr. Rhodes called the Police last week and two officers came. They spoke to the man who placed the dumpster, who happened to be a retired Police Dispatcher. He said that he called to have the dumpster removed. Mr. Rhodes called Code Enforcement about the situation and also gave them pictures of the alley. He called Code Enforcement again to find out if the issue was on a roster to be resolved and the lady at Code Enforcement told him he was not on their agenda and for him to call back next week. Mr. Rhodes' neighbor cannot get out of his garage and Mr. Rhodes cannot get out of his gate because of the dumpster. He has not mentioned this issue to the present Police Chief. Mr. Rhodes provided four photos to City Council to review. Mayor Taylor asked the City Manager to follow up. Mr. Rhodes indicated that he and his neighbor, Mr. King, have always kept the alley mowed and neat.

There being no other speakers, At 7:45 PM Communications from Citizens was closed.

UNFINISHED BUSINESS - REQUEST BY OTIS HENRY, JR. TO REZONE 10,000 SQ. FT. OF LAND KNOWN AS 1305 MEADOW ST. ZONED R-2, RESIDENTIAL MEDIUM DENSITY

At the April 5, 2007 meeting of the Planning Commission a public hearing was held. The Commission voted 3-1 to recommend denial of the request to City Council. City Council held a public hearing on May 8, 2007 to receive citizen comments regarding a request from Otis Henry, Jr. to amend the zoning map rezoning the property at 1305 Meadow St., from R-2, Residential Medium Density, to R-3, Residential High Density, in order to build two single-family homes on the property at 1305 Meadow St. One citizen opposed the request. Mr. Otis, the property owner, asked for Council support of his request. On May 8, 2007 Council voted (4/3) to table the issue until the new City Manager (Dr. Daley) took office.

Spot zoning is not a recognized practice in the City. Council could, however, consider rezoning the entire neighborhood. (There was brief discussion about scheduling a joint meeting with City Council and the Planning Commission as soon as possible.) The Dellrose area is zoned R-3. There needs to be consistency in the same neighborhood.

Motion was made by Councilor Sealey, and seconded by Councilor Cuffey, to resolve to deny the request, refer it back to the Planning Commission to consider rezoning the entire neighborhood and make a recommendation back to Council. Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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Councilor Emerson - yes

CITIZEN/COUNCILOR REQUEST - COUNCILOR CUFFEY - CONGRESSMAN RANDY FORBES' VISIT

Councilor Cuffey reported that Congressman Randy Forbes is scheduled to visit with Hopewell City Council on October 1, 2007. During his visit, Councilor Cuffey would like to include Council discussion on the collective needs of the City of Hopewell, especially BRAC. Herbert Bragg, Public Affairs Coordinator, provided an Itinerary for the occasion. Mayor Taylor commended him and anyone else involved in coordinating the event.

Vice Mayor Pelham felt strongly that a Teen Center is needed in the City for those aged 13-17 and that should be communicated to Congressman Forbes. Bob Kirby will be invited to attend regarding the Appomattox Plantation, on the list of projects for discussion. Councilor Emerson stated that Crater Transportation (MPO) will look hard at expanding transportation services and will support Petersburg Transit. We need Federal assistance with many of the road projects, i.e., Ft. Lee. In addition we must give consideration to rail transportation also. Councilor Bailey expressed that there should be an increase in this area with more trains and more frequency.

Mayor Taylor again thanked Mr. Bragg.

REGULAR BUSINESS – CLEAN CITY COMMISSION - FALL 2007 CLEAN UP WEEK

Mr. Jerry Williams, Chairman of the Clean City Commission addressed City Council about the Fall 2007 Clean Up Week. At the August 21, 2007 Clean City Commission meeting, the Commission voted unanimously to hold the Fall 2007 Clean-Up Week from Saturday, October 20, through Saturday, October 27, 2007. The Department of Public Works agreed with the proposed schedule. The Commission has recommended that the fees normally charged at the Citizens' Convenience Center be waived, except for the cost of Freon removal from appliances. The Citizens' Convenience Center hours of operation will be 12:30 PM - 5:00 PM, Monday-Friday, and 8:00 AM - 5:00 PM on Saturdays. The Clean City Commission has agreed to reimburse the Department of Public Works up to a maximum of \$2,000 to help cover the cost of the Fall Clean-Up Week. An article about the Fall Clean-Up Week will appear in the Fall 2007 issue of the City Currents newsletter and in local newspapers.

The Clean City Commission holds two annual Clean-Up Weeks during each calendar year. This is the second Clean-Up Week scheduled for 2007.

The fiscal impact of the request is \$2,000 and any associated overtime wages, transportation, and rental of extra containers in excess of \$2,000.

The Clean City Commission had a booth at Hooray for Hopewell last weekend. There are four recycling bins throughout the City. A contest was held to guess the tonnage recycled per year. The winner was Robin Williams who lives in Kippax who guessed 112 tons in 2006. The prize was a dinner for four at K & L BBQ.

Mayor Taylor expressed his appreciation to Mr. Jerry Williams for everything he and his wife Ann do for the City of Hopewell.

In closing, Mr. Williams mentioned the Essay Campaign at Hopewell High School. One essay is selected every week. The winner receives two free football game tickets each week. Vice Mayor Pelham suggested having the winners come to Council meetings to read their winning essays.

Motion was made by Councilor Sealey, and seconded by Councilor Emerson, to resolve to approve and file the request from the Clean City Commission to hold the Fall 2007 Clean-Up Week from

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Saturday, October 20 through Saturday, October 27, 2007; to waive the fees normally charged at the Citizens' Convenience Center, except for the cost of Freon removal from appliances; Convenience Center hours of operation 12:30PM-5:00PM M-F, and 8:00AM-5:00PM Sat; and the Clean City Commission will reimburse the Department of Public Works up to \$2,000 to help cover costs. Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

REGULAR BUSINESS - PUBLIC WORKS - CVWMA AGREEMENTS (Professional Debris Management Services; Drop Off Processing Program; Disaster Recovery Services Program; and Textile Collection and Recycling Program)

The Department of Public Works is seeking Council approval for the City Manager to sign four CVWMA (Central Virginia Waste Management Authority) Agreements, each involving Disaster Recovery in the event of an emergency within the City.

The four CVWMA Agreements are: (1) Professional Debris Management Services with Beck Disaster Recovery, Inc., to perform quality control aspects of monitoring disaster recovery operations. (2) Drop-Off Processing Program with Tidewater Fibre Corporation to process materials collected from curbside recycling (not applicable to Hopewell) and the 30-yard drop-off recycling bins. (3) Disaster Recovery Services Program with Omni Pinnacle, LLC and DRC Emergency Services, LLC, to assist with disaster recovery operations. And finally, (3) Textile Collection and Recycling Program with Goodwill of Central Virginia responsible for collecting textiles from stand alone containers and finding alternative uses for the recycled materials collected.

City Attorney Wilmot reviewed each draft agreement and recommended that prior to execution by the City Manager, the agreements should be presented to City Council for authorization to sign.

Motion was made by Councilor Emerson, and seconded by Vice Mayor Pelham, to resolve to authorize the City Manager to execute each of the four CVWMA Agreements (Professional Debris Management Services; Drop Off Processing Program; Disaster Recovery Services Program; and Textile Collection and Recycling Program), each involving Disaster Recovery in the event of an emergency within the City. Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

REGULAR BUSINESS – APPOINTMENTS TO BOARDS AND COMMISSIONS

No appointments were made.

REPORTS OF CITY COUNCIL COMMITTEES

Vice Mayor Pelham attended the R C & D Conference last week. They support alternative energy, although the National Organization would not specifically support ethanol.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Bailey reported that on Monday, September 24, 2007, at the Artworks Art Studio, Dr. Cliff Morris showed the movie, "The Ultimate Gift." Carter G. Woodson Middle School student essays were read before and after the movie. She applauded the hospital's involvement in the community and encouraged this type of activity in the future. She thanked Dr. Morris and Mr. Hayes. She thanked the many volunteers who worked on Hooray for Hopewell which was held last weekend - they did a great job!

Councilor Harris reported that after a lot of research on ethanol, he came to the conclusion that ethanol, at the proposed location, would not be good for the City of Hopewell. There are several reasons why it would not be good for Hopewell. We have not determined what kind of noise will come from that sort of plant. We have not determined the emissions. There are many other concerns, including Environmental Justice where they are thinking of locating this plant. It is very close to several housing projects, and other housing areas. He is trying to prevent our City from making a serious mistake. The money sounds good; but, if there is even one fatality, then the money is not worth it. He has already spoken to the newspapers and the TV people. He has asked the President of the SCLC (Southern Christian Leadership Coalition) to come and encouraged the citizens of Hopewell to not support the ethanol plant at that location in Hopewell, especially as it relates to Environmental Justice. We are trying to redevelop downtown. The property being considered for this plant is at the end of our downtown. There are already some developers reluctant to invest in downtown Hopewell because of the ethanol plant. On Friday, September 28, 2007, there will be a rally. All of those who have a positive interest can come. There will be several speakers. He hoped to convince members of Council against placing an ethanol plant at that location. In addition to that his residence is down the street from the proposed plant. There are other problems in the community with the various plants. Enough is enough! We have a good Police Force, a good Fire Department, a good educational system, and good citizens. Councilor Harris has lived in Hopewell most of his life and is not willing to sit by and allow the ethanol plant to be located in his back yard. He will do everything he can do, legally, to make it go away.

Councilor Cuffey received a letter today supporting the ethanol plant in Hopewell. He will save it to read when the Public Hearing is held. He and Mayor Taylor spoke to a co-worker who is ready to retire. He visited Hopewell, in particular Anchor Pointe, and considered relocating there for his retirement. We have many amenities and a marina. Councilor Cuffey looks forward to marketing Hopewell. He recently visited Atwater Park for the first time since the concession stand/restroom building was in operation and he was quite impressed. He congratulated the Gold Team, although they lost to Mr. Altman's team by one goal. He also thanked his soccer consultant, Mayor Taylor.

Councilor Emerson referred to a meeting of the Hopewell Citizens for Good Government with Dr. Winston Odom, Superintendent of the School Board. He was discouraged to hear about the auditorium sinking and students changing into sports uniforms in the hallways. Hopewell High School is in need of renovation. He wished to take some of the comments and have a conversation with Dr. Odom and the School Board for long range planning. What can we do to help the School Board? (*City Manager Daley indicated that the School Board will be here next week (October 2) at the Work Session. We will also be asking them to set a date for the first meeting in November (November 13) to discuss that project.*) Weston Manor is having a BBQ on October 10, 2007, \$20 per plate, and is open to all.

Vice Mayor Pelham thanked all Hooray for Hopewell personnel for a great weekend. She thanked Dr. Morris for the invitation to the movie, "The Ultimate Gift." It was a good lesson about giving and

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sharing. Saturday, September 29, 2007, will be Jazz Night at the Willie Hayes' Artworks Art Gallery. Friday, September 28, 2007 is Hopewell High School's Homecoming. She asked everyone to come out and support HHS. There will be a student dance afterwards. The Vice Mayor thanked Sheriff Anderson for inviting her to attend the Law Enforcement activity at Virginia State University recently. Regarding the policy for the ethanol plant, she feels that it will help emissions. They will not have smoke stacks. She hopes that it will be a win/win situation. Ms. Pelham also reported that our Sheriff was featured in the Virginia Sheriffs Magazine. He visited Dublin, Ireland and exchanged memorabilia with Dublin's sheriff. Sheriff Anderson gave Dublin's Sheriff a 400th Anniversary Jamestown Badge.

Mayor Taylor attended Hooray for Hopewell. He always appreciates all the work that the volunteers do. There was great weather all weekend.

ADJOURN

At 8:30 PM, **motion** was made by Councilor Sealey, and seconded by Councilor Cuffey, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

Steven R. Taylor, Mayor

Ann M. Romano, City Clerk